

**REMARKS/ARGUMENTS**

**CLAIM REJECTIONS UNDER 35 USC 103**

Claims 21-35 and 52-57 are rejected under 35 USC 103 as being unpatentable over Cunningham et al. (US6,306,104) in view of Moerman et al. (US2003/0191415). Claims 21-35 and 52-57, as now amended, are allowable, because no combination of Cunningham et al. and Moerman et al. teaches or suggests all of the features any of these amended claims. Support for the amendment to claim 21 is found at least at Figure 4 and page 5, line 25-page 6, line 30, including paragraphs [0039]-[0043] of Applicants' specification.

Specifically, Applicants advantageous body fluid testing device as set forth at amended claim 21 now requires: a lancet guiding shoulder coupled with the housing; and a lancet guiding collar coupled around the needle within a mechanical tolerance of 0.05 mm, and the lancet guiding collar having an outer dimension within a mechanical tolerance of 0.05 mm, and the lancet guiding collar and lancet guiding shoulder having a mutual clearance of no more than approximately 0.13 mm, thereby providing precision control over puncture site location. In addition, as previously recited, the device is advantageously configured such that an edge of the test strip moves along a non-linear trajectory to the bodily fluid sample contacting location within a mechanical tolerance of 0.010 inch of said center of said bodily fluid sample in the plane of the skin surface at the bodily fluid sample location.

Although Applicants have amended the claims with this submission, it is respectfully submitted that Applicants do not necessarily acquiesce to any rejection and are only amending to expedite prosecution. Applicants hereby expressly reserve the right to reopen the discussion with regard to the claims previously submitted, e.g., in a continuation, continuation-in-part, reexam, or reissue application.

Appl. No. 10/701,993  
Amendment dated April 14, 2009  
Reply to Office Action mailed January 14, 2009

The Examiner is respectfully invited to call the undersigned attorney at 415-203-2782 or email [andy@sfbayareapatents.com](mailto:andy@sfbayareapatents.com) to discuss any further concerns.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-4425.

Respectfully submitted,

SF BAY AREA PATENTS, LLC

Dated: April 14, 2009 \_\_\_\_\_ By \_\_\_\_\_ /Andrew Vernon Smith/  
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